

## REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicant thanks the Examiner for indicating that the drawings filed on July 14, 2000 are acceptable, and that certified copies of all of the priority documents have been received.

Applicant respectfully traverses the Examiner's 35 U.S.C. §103(a) rejections of the pending claims.

According to a feature of the present invention, discussed at, for example, at pages 21 and 22 of Applicant's specification, an image area is extracted from one frame image in accordance with obtained in-focus distance data and three-dimensional image data. Specifically, at least one image area is extracted based on the three-dimensional image data. Applicant submits that at least this feature is lacking from the applied art of record.

Applicant notes that the Examiner acknowledges that MIYADERA and NAKANO fail to disclose at least this feature (see, for example, page 7 of the Detailed Action with respect to claims 7-9). However, Applicant respectfully traverses the Examiner's assertion that MALEK discloses this feature. Specifically, Applicant submits that MALEK's image sensor does not extract an image area based on the three-dimensional image data to perform a white balance adjustment, as required by Applicant's pending claims. Accordingly, Applicant submits that even if one attempted to combine the various prior art documents in

the manner suggested by the Examiner, one would fail to obtain a device that calculates a white balance control amount for an electronic still camera, in which at least one image area is extracted based upon three-dimensional data that is obtained.

Applicant further submits that the remaining applied art of record also fails to disclose/suggest the above-discussed feature lacking in MIYADERA, NAKANO and MALEK.

By the current amendment, Applicant amends claims 1 and 11 to include the subject matter of claim 7 (which is herewith canceled), and to additionally specify that the image signal relates to a single image area contained in at least one image area. Applicant submits that these claim revisions clarify that a white balance adjustment is performed based on an image signal relating to a single image area contained in at least one image area, in which an image area extractor comprises a three dimensional image data sensing processor that senses three dimensional data indicating a distance from the electronic still camera to each point on a surface of the subject. As discussed above, at least this feature is not disclosed or suggested by the prior art of record, either individually or in combination. Accordingly, Applicant respectfully requests withdrawal of the various 35 U.S.C. §103 rejections, an indication of the allowability of the pending claims, and passing of the application to issue.

### SUMMARY AND CONCLUSION

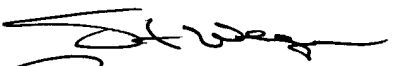
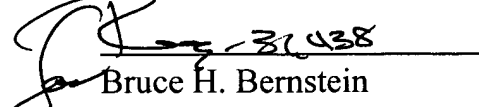
In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. In this regard, Applicant notes that he has reviewed and amended the claims to place them in better U.S. form. Such amendments to the claims have not been made to overcome a rejection based upon the prior art.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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